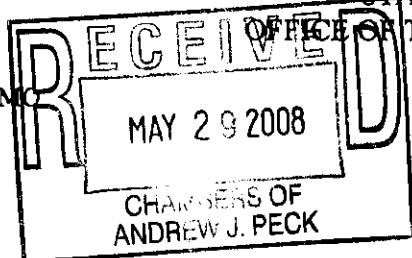




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DATE FILED: 5/29/08

ANDREW M. CUOMO
Attorney General



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LESLIE G. LEACH
Executive Deputy Attorney General
Division of State Counsel

JUNE DUFFY
Assistant Attorney General in Charge
Litigation Bureau

May 29, 2008

MEMO ENDORSED

VIA FACSIMILE (212) 805-7933

Honorable Andrew J. Peck
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Walker v. Caban et al.
Docket No.: 08-CV-3025

Dear Judge Peck:

The Office of the Attorney General of the State of New York represents the defendants herein, corrections officers J. Caban and G. Lauerty. I write to request an extension of time by which defendants must move or answer with respect to the complaint from June 2, 2008 to June 30, 2008. This is defendants' first request for an extension of time and is made after receiving this file yesterday, May 28, 2008. Plaintiff pro se has not been contacted for his consent as he is presently incarcerated.

Our office respectfully requests this extension to speak with the individual defendants regarding plaintiff's claims and defenses thereto, confirm proper service of the summons and complaint, perform an initial investigation of the underlying facts, research applicable law and draft responsive papers. In this regard, an extension of time is also necessary in order to obtain the necessary underlying files and documents.

Wherefore, it is respectfully requested that defendants' request for an extension to move or answer with respect to the complaint to and including June 30, 2008 be granted. In addition, defendants request that the time to serve discovery responses to Local Rule 33.2 discovery be extended until 30 days after the filing of an answer.

Respectfully submitted,

CHRISTOPHER L. VAN DE WATER
Assistant Attorney General

cc: Sherman Walker (via first class mail)
Pro Se Petitioner
DIN #92-A-7141
Bare Hill Correctional Facility
Caller Box 20
181 Brand Road
Malone, New York 12953

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: May 29, 2008

Total Number of Pages: 3

TO	FAX NUMBER
Christopher VanDeWater, Esq.	212-416-6009

TRANSCRIPTION:

MEMO ENDORSED 5/29/08

Time for def's answer and def's Local Rule 33.2 discovery responses extended to 6/30/08.

Copies to: **Sherman Walker (Mail)**
Judge Jed S. Rakoff